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Attorney for James D. Cloud

United States District Court
Eastern District of Washington
Honorable Salvador Mendoza

United States of America,

Plaintiff,

v.

James Dean Cloud,

Defendant.

No. 1:19-CR-2032-SMJ-1

Supplemental Declaration of
Jeffrey O. Martin – Spokane
Division

1 I, Jeffrey O. Martin, state the following:

- 2 1. I am over the age of eighteen (18) and competent to testify.
- 3 2. I hold a Bachelor's degree in Mathematics and Economics from Vanderbilt
4 University and a Master's degree in Economics from the University of
5 Chicago.
- 6 3. I am employed as a consultant on statistical issues, a consultant on actuarial
7 issues, and as a consultant to political campaigns. I have been qualified as an
8 expert on statistical issues in federal and state courts.
- 9 4. Since 1997, I have been involved in cases involving challenges to jury lists in
10 federal and state courts.
- 11 5. I have been asked by counsel for James Cloud to review the construction and
12 implementation of the Master Jury Wheel and Qualified Jury Wheel that was
13 used to select Grand Jurors in this case.
- 14 6. I previously supplied a declaration dated June 19th, 2020, describing the data I
15 need to perform the analysis of the Master Jury Wheel and Qualified Jury
16 Wheel in this case.
- 17 7. The Court subsequently entered the Order Granting in Part and Denying in
18 Part Defendant's Motion for Access to Grand Jury Records.
- 19 8. I have reviewed the data provided in this case.
9. I was advised the Government obtained a Third Superseding Indictment from
the Spokane Division (Division A). Most of the data already supplied will
apply to the new indictment. This declaration will detail the additional data
needed because of the new indictment.

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Additional Data Needed from New Indictment

10. The new indictment from the Spokane Division would require the following additional items for a meaningful jury wheel analysis. Importantly, the Court previously directed the Clerk's Office to produce these items, which are as follows:

- ***Request #2 – Covid-19 adjustments.*** Any policies and procedures enacted for summoning and enlisting grand jurors due to the Covid-19 pandemic.
- ***Request #3 – Covid-19-related Orders.*** Any Court orders entered for summoning and enlisting grand jurors due to the Covid-19 pandemic.
- ***Request #4 – Forms.*** Any AO-12 or JS-12 form created that relate to the District and Divisional Master Jury Wheels and Qualified Jury Wheels used to summon the grand jurors who returned the Third Superseding Indictment.
- ***Request #14 – Summons date.*** The date on which the grand jurors who returned the indictments in this matter were summoned.
- ***Request #15 – Grand jury basis.*** Information on whether the grand jury that returned the Third Superseding Indictment was "divisional," "combined," or "entire district," as those terms are defined in §4.05(b) of the Jury Selection Plan.
- ***Request #16 – Division or combined ratio.*** Whether the grand jury that returned the Third Superseding Indictment was drawn from the entire district or a combination of several divisions (and, if a combination, the calculation of the ratio and number of grand jurors from each division).
- ***Request #17 – Numbers summoned.*** The number of prospective grand jurors summoned from the Qualified Jury Wheel in this case.

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- ***Request #24 - Grand juror numbers.*** The juror numbers of those who served on the grand jury that returned the Third Superseding Indictment.
- ***Request #26 - Juror Qualification Forms.*** Juror qualification and summons forms completed by persons summoned as prospective grand jurors for the grand jury that returned the Third Superseding Indictment, redacted to eliminate all personally identifying information except for race, gender, ethnicity, proffered "grounds for excuse" from jury service, and criminal history.
- ***Request #27 - Disposition for each juror.*** Information concerning the disposition of each prospective grand juror summoned for the Third Superseding Indictment—namely, whether each juror was excused, deferred, disqualified, or impaneled.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.¹

Dated: December 3, 2020

s/ Jeffrey O. Martin

¹ See 28 U.S.C. § 1746.